

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOSE ANTONIO GARZA GUTIERREZ,

Petitioner,

v.

E. EMMERICH, and DEPARTMENT OF  
HOMELAND SECURITY,

Respondents.

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ORDER

Case No. 25-cv-034-wmc

Petitioner Jose Antonio Garza Gutierrez seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than February 7, 2025. Any motion for leave to proceed without prepayment of the filing fee must include a certified copy of an inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately July 16, 2024 through the date of the petition, January 16, 2025.

ORDER

IT IS ORDERED that:

1. Petitioner Jose Antonio Garza Gutierrez may have until February 7, 2025, to pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee.

2. If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before February 7, 2025, I will assume that petitioner wishes to withdraw this petition.

Entered this 16th day of January, 2025.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge